

ORDINANCE 2003- 26

AN ORDINANCE AMENDING ORDINANCE 97-19, AS AMENDED, KNOWN AS THE NASSAU COUNTY ZONING CODE; SPECIFICALLY AMENDING SECTION 28.08 TO PROVIDE ADDITIONAL BUFFER REQUIREMENTS BETWEEN COMMERCIAL AND RESIDENTIAL PROPERTY.

WHEREAS, the Board of County Commissioners has determined that certain provisions of Ordinance 97-19, as amended, require modification in order to better promote the general health, public safety and welfare of the citizens of Nassau County; and

WHEREAS, the Board of County Commissioners has determined that provisions for buffers between commercial and residential communities will protect the property rights of citizens and enhance property values in Nassau County; and

WHEREAS, the Board of County Commissioners finds that it is in the best interests of the citizens of Nassau County to further amend Ordinance 97-19, as amended.

NOW, THEREFORE BE IT ORDAINED this 12th day of May, 2003, by the Board of County Commissioners of Nassau County, Florida that Ordinance 97-19, as amended, be amended as follows:

1. **Section 28.08 - Buffers:** ~~A commercial, industrial and mobile home park developments, and off street parking and loading areas, shall be separated from adjacent residential property by an opaque natural, vegetative buffer at least six (6) feet in height. Such buffer shall be constructed, provided and maintained by the owners of individual properties as provided herein. the development stated above.~~ Buffers may ~~be~~ include a solid masonry wall, opaque wood fence or compact shrubbery, which will grow to the required height of at least six (6) feet within twelve (12) months. If the shrubbery has not reached the required height of at least six feet within twelve months, the

shrubbery shall be replaced with mature plants of the required height. The requirements for the buffer as set forth herein are required as follows:

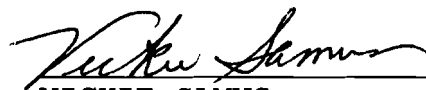
- A. Where a new commercial or industrial development is located directly adjacent to existing residential development, a fifty (50) foot buffer will be provided. The width of a public right-of-way that connects one or more properties, if one is provided or required, shall be subtracted from the required buffer. Any existing buffer on the adjacent residential property shall also be subtracted from the required buffer on the commercial site.
- B. Where a new residential development is located directly adjacent to an existing commercial or industrial development, a fifty (50) foot buffer will be provided. The width of a public right-of-way road that connects one or more properties, if one is provided or required, shall be subtracted from the required buffer. Any existing buffer on the adjacent commercial or industrial property shall also be subtracted from the required buffer.

2. The buffer provisions are not applicable for agricultural uses or mobile home parks.

3. A variance from the requirements of Section 28.08 may be granted by the Board of County Commissioners. The Planning Director or his/her designee shall submit a recommendation to the Board of County Commissioners.

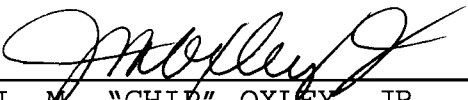
4. This ordinance shall take effect upon receipt in the Secretary of State's office.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



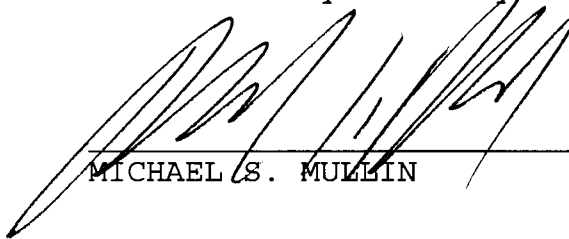
VICKIE SAMUS
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN